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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

KP'S AUTO SALES, INC.
d/b/a Gold Star Motor Co.

CIVIL ACTION NO. 07-1997

VS.

JUDGE HAIK

GRANITE STATE INS. CO.
MEMBER OF AMERICAN INT'L
GROUP, INC.

MAGISTRATE JUDGE METHVIN

JURISDICTIONAL REVIEW RULING

This diversity case was removed from a local state court pursuant to 28 U.S.C. § 1332. As required by a standing order of this court, the undersigned has reviewed the record and concludes that the jurisdictional amount has been established.

Plaintiff, a Lake Charles car dealership, is claiming damages under two policies issued by defendant. One policy was issued for business income loss and property damage and the other for business income loss and wind-related property damage. Plaintiff alleges that two buildings in which it operates its business were damaged by Hurricane Rita, and claims that defendant has failed to timely and reasonably compensate it for its damages.

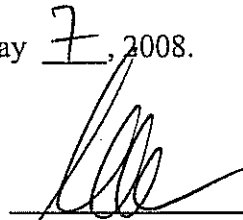
In the parties' Rule 26(f) Report, plaintiff specifies that it is claiming damages to the building, including damage to the roof sheets and panels, ceiling, carpeting, fencing, and siding. Defendant states that, as of November 27, 2007, \$172,704.68 has been paid to plaintiff. Defendant also states there is limited coverage of up to \$25,000 for water-related property damage; coverage of \$960,000 for property damage and \$80,000 for business income loss.

Plaintiff also seeks penalties and attorney's fees under La. R.S. 22:658 and/or La. R.S. 22:1220.

Additionally, plaintiff did not state that the damages were insufficient for federal court jurisdiction. *See* La. Civ. Code Art. 893 (requiring an allegation regarding the amount of damages when necessary to establish the “. . . lack of jurisdiction of federal courts due to insufficiency of damages . . .”).

Considering the foregoing, the undersigned concludes that the jurisdictional amount has been established in this case.

Signed at Lafayette, Louisiana on May 7, 2008.



Mildred E. Methvin
United States Magistrate Judge
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Lafayette, Louisiana 70501
(337) 593-5140 (phone) 593-5155 (fax).

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